UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/033,901	02/28/1998	JAMES T. BACHMANN	10980710-1	2649

22878	7590	07/01/2004

AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
P.O. BOX 7599
M/S DL429
LOVELAND, CO 80537-0599

EXAMINER
LUU, SY D

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 07/01/2004   21

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   This communication is responsive to Amendment C, filed 4/5/04.

2.   Claims 1-10 are pending in this application. Claims 1, 3, 4, and 7 are independent

claims. In the Amendment C, claim 10 was added, and claims 1, 3, and 7-9 were amended.

This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

5.   Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayhew et al.

("Mayhew", US 6,239,800 B1).

As per claim 1, Mayhew teaches, in an iconic programming system containing an

existing network of connected icons (**fig. 6**), a computer-implemented method for tracing the

execution of icons (**abstract**), the method comprising the step of:

executing a plurality of the icons via a run of a software program (col. 2, lines 14-22; col.

3, lines 1-30); and

highlighting each icon executed in the executing step subsequent to the run of the

software program (**figs. 6-7;** col. 4, lines 46-58; col. 5, lines 2-6).

Mayhew does not explicitly disclose the steps of setting a flag for each icon executed,

thereby highlighting each icon being set by its corresponding flag. However, these steps must

necessarily be <u>inherent</u> to such a method as Mayhew's so as to provide the method a means for

determining and keeping track of the execution status of each icon by setting a "True" indication

to a "True/False" flag that is associated to each executed icon during the executing step; thereby

providing the method necessary status information to properly determine and display the

highlighting of the plurality of icons.

As per claims 2-3, Mayhew does not explicitly disclose the steps of: performing the

setting step during the executing step, receiving an input subsequent to the executing step, and

performing the determining step in response to the receiving step. However, these steps, which

work in conjunction with the flags, must also be necessarily <u>inherent</u> to Mayhew's method for

the same reasons as provided in the previous paragraph.

As per claim 4, Mayhew teaches, in an iconic programming system, wherein the iconic programming system contains an existing network of connected icons (**fig. 6**), a computer-implemented method for tracing the execution of icons (**abstract**), the method comprising the step of:

executing a plurality of the icons (col. 2, lines 14-22);

indicating which of the icons are executed in the executing step,

determining, subsequent to the executing step and based on the indicating step, that the plurality of icons have been executed, and

highlighting the plurality of executed icons in response to the determining step (**figs. 6-7**; col. 4, lines 46-58; col. 5, lines 2-6).

As per claim 5-6, the method of Mayhew does not explicitly disclose the steps of: setting, during the executing step, a plurality of flags respectively corresponding with the plurality of icons; receiving an input subsequent to the executing step, and performing the determining step in response to the receiving step.

However, these steps must be <u>inherent</u> to such a method as Mayhew's so as to provide the method a means for determining and keeping track of the execution completion status of each icon by setting a "True" indication to a "True/False" flag that is associated to each executed icon during the executing step; thereby providing the method necessary status information to properly determine and display the highlighting of the plurality of icons.

Claims 7-9 are similar in scope to claim 4-6, and therefore are rejected under similar rationale.

As per claim 10, Mayhew teaches the input to be a user input (col. 2, lines 16-17).

Response to Arguments

6.   Applicant's arguments with respect to all independent claims have been fully considered but they are not persuasive.

Applicant argues mainly that: it is not disclosed in both Wilson and Mayhew the step of simultaneously highlighting each icon corresponding with each flag set in the setting step subsequent to the run of the software program as recited in claim 1 or similarly in other independent claims.

The Examiner disagrees for the following reasons. By teaching that "During the application program procedure, the presentation of a graphical icon is modified..." (abstract, lines 10-11), and the "icon's presentation is modified to indicate completion of the execution of the associated job" (abstract, lines 14-15), Mayhew indicates that after the run of the software program (*application program procedure*), and after completion of execution of the jobs, the associated icons' presentation are modified (*highlighted*). Thus, it is clearly shown that the highlightings are done subsequent to the run of the software program as recited in the claims.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquires

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The

examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The

examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is

(703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

SY D. LUU
PRIMARY EXAMINER